

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TAMINA CHRISTINE SHOCK,

Plaintiff,

vs.

LAS VEGAS METRO POLICE DEPARTMENT,
et al.,

Defendants.

Case No. 2:14-cv-01261-RFB-CWH
ORDER

Presently before the Court is Defendants' Motion for Attorney's Fees Pursuant to Order #52 (ECF No. 53), filed on August 3, 2015. On the same date, Plaintiff Tamina Christine Shock filed an Affidavit of Objection to Non-Consenting, Non-Common Law, Non-Court of Record Special Hearing and Award Dkt. #52 (ECF No. 54). Although it is somewhat unclear whether Plaintiff's affidavit of objection¹ is a response to Defendants' motion for attorney's fees, out of an abundance of caution, the Court will construe it as a response.

The Court held a motion hearing on June 22, 2015. (Mins. of Proceedings (ECF No. 49).) Plaintiff was not present at the hearing. (*Id.*) The Court therefore issued an order requiring Plaintiff to show cause why she did not appear at the hearing, among other things. (Order to Show Cause (ECF No. 50).) The Court further ordered that the parties appear for a show cause hearing on July 22, 2015. (*Id.*) At the show cause hearing on July 22, 2015, which Plaintiff and Defendants attended, the Court awarded to Defendants one hour of attorney's fees for having to attend the motion hearing on June 22, 2015. (Mins. of Proceedings (ECF No. 52).) The Court ordered the parties to meet and confer regarding the amount of attorney's fees. (*Id.*)

¹ Although Plaintiff's affidavit of objection does not specifically reference attorney's fees, Plaintiff's affidavit of objection states that pursuant to 28 U.S.C. § 636(b)(1)(A), she objects to the undersigned's Order (ECF No. 52), as well as the undersigned's exercise of jurisdiction in this case. Plaintiff's objection is pending before the District Judge assigned to this case.

1 According to Defendants, the parties were unable to reach an agreement regarding the
2 amount of attorney's fees, requiring Defendants to file the motion that is presently before the Court.
3 (Mot. for Attorney's Fees (ECF No. 53) at 2.) Defendants' attorney submits an affidavit stating that
4 he is paid \$190.00 per hour in this case. (*Id.*, Ex. A at ¶ 8.) The affidavit further states that the one
5 hour of time the Court awarded to Defendants for Plaintiff's failure to appear at the motion hearing
6 is less time than was actually spent in preparing for and attending the hearing. (*Id.* at ¶ 9.) Finally,
7 the affidavit states that the \$190.00 hourly rate is a discounted rate that is reasonable and
8 appropriate for an attorney in this legal market with 18 years of experience. (*Id.* at ¶ 10.) Given
9 that Defendants were unable to reach an agreement with Plaintiff regarding the amount of fees,
10 Defendants request attorney's fees for an additional .5 hour of work in preparing the motion, for a
11 total of \$285.00.

12 Plaintiff's affidavit of objection does not specifically address the issue of attorney's fees.
13 (*See* Aff. of Objection (ECF No. 54).) However, Plaintiff states that she is being unlawfully
14 sanctioned and that she declines to consent to "a magistrate judge who is unlawfully presiding over
15 matters of the civil action" and that she "is not subject to the defendant's attorney or a magistrate's
16 unlawful trespass of her guaranteed rights in a statutory system." (*Id.* at 3.) In essence, it appears
17 that Plaintiff does not consent to the undersigned's exercise of jurisdiction in this case. However,
18 Plaintiff's objection, which was not filed until after the motion hearing held on June 22, 2015 and
19 the show cause held on July 22, 2015, does not excuse Plaintiff's failure to attend the June 22, 2015
20 hearing. The Court therefore will award reasonable attorney's fees in the amount of \$285.00 to
21 Defendants.

22 IT IS THEREFORE ORDERED that Defendants' Motion for Attorney's Fees Pursuant to
23 Order #52 (ECF No. 53) is GRANTED.

24 IT IS FURTHER ORDERED that Plaintiff must pay to Defendant \$285.00 in attorney's fees
25 within 30 days from the date of this Order.

26 DATED: October 26, 2015

27 
28 **C.W. Hoffman, Jr.**
United States Magistrate Judge